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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

EGYPT

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Egypt on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.38) at its 12th, 13th and 14th meetings, held on 2 and 3 May 2000, and adopted, at its 26th meeting, held on 12 May 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Egypt, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee also welcomes the written replies to its list of issues, and expresses its appreciation for the constructive dialogue between the Committee members and the government delegation. The Committee regrets, however, that the replies by the delegation to a number of questions raised by Committee members were incomplete.

B. Positive aspects

3. The Committee acknowledges the general progress made by the State party in recent years in implementing economic, social and cultural rights. In particular, the Committee commends Egypt for the striking improvements in its educational system, as cited by the United Nations Children's Fund, and for its achievements towards eradicating illiteracy, for which Egypt has received an award from the United Nations Educational, Scientific and Cultural Organization

4. The Committee notes with appreciation the State party's recent efforts with regard to the protection of women's human rights, such as the adoption of a new divorce law improving the position of women.

5. The Committee welcomes the stand taken by the Constitutional Court of Egypt which invoked the provisions of the Covenant to acquit rail workers who had been prosecuted for going on strike in 1986 and declared that the Penal Code should be amended to allow the right to strike.

6. The Committee commends the State party for the efforts it has made with a view to ensuring effective implementation of the right to health, particularly by establishing, throughout the country, including in remote urban and rural settlements, a network of primary health care units and centres.

7. The Committee notes with satisfaction that the State party has undertaken new and effective measures to introduce environment- and health-friendly fuel, beginning with the public transportation systems in major cities where pollution is a grave threat to life and health.

8. The Committee also expresses its appreciation for the holding of the Arab Regional Seminar on Human Rights and Development in Cairo in June 1999, and notes that the Government has developed with the United Nations Development Programme, a pilot project for capacity-building in human rights which was launched in June 1999 and which focuses on the right to development.

9. The Committee also expresses appreciation for the support of the government delegation for the Committee's statement to the Third Ministerial Conference of the World Trade Organization, held in Seattle in November 1999, that international human rights obligations should be a matter of priority concern and therefore should be taken into account in trade negotiations.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee is of the view that the state of emergency that has been in place in Egypt since 1981 limits the scope of implementation of constitutional guarantees for economic, social and cultural rights; that some aspects of structural adjustment programmes and economic liberalization policies introduced by the Government of Egypt, in concert with international financial institutions, have impeded the implementation of the Covenant's provisions, particularly with regard to the most vulnerable groups of Egyptian society; and that the persistence of traditional practices and attitudes, deeply entrenched in Egyptian society, with regard to women and children hamper the ability of the Government to protect and promote their economic, social and cultural rights.

11. The discrepancies between available resources and the actual needs of the people are becoming increasingly marked given the climatic and geographical conditions in the country and the rapid increase in the population. These factors impede the full enjoyment of economic, social and cultural rights in the country.

C. Principal subjects of concern

12. The Committee regrets the lack of clarity concerning the legal status of the Covenant in the Egyptian domestic legal order.

13. The Committee expresses its grave concern about the considerable divergence in Egypt between the constitutional provisions on the one hand and the national legislation and practice on the other, with respect to the societal status of women in general, women's participation in political life, the provisions in criminal law with respect to adultery, and female genital mutilation (FGM). Moreover, the Committee is concerned about the divergence between law and practice with regard to the occurrence of child labour.

14. The Committee regrets that the State party does not take its obligations under the Covenant into account in its negotiations with international financial institutions.

15. The Committee regrets the lack of information and reliable statistics which has hampered its full assessment of the situation in Egypt with regard to, inter alia, poverty, unemployment and FGM. The Committee is particularly concerned about the absence of an officially established poverty line.

16. The Committee notes with concern that although the State party has undertaken initial steps against the practice of FGM in Egypt by criminalizing FGM outside of hospitals by persons without a medical qualification, this measure does not make the practice of FGM by medical practitioners a criminal offence. The Committee further notes with concern that the percentage of women who are victims of FGM remains alarmingly high. WHO statistics for 1995 showed an estimated 97 per cent prevalence of FGM ("Female Genital Mutilation: An Overview", WHO, Geneva, 1998, p. 13).

17. Although the Committee welcomes the efforts by the State party in promoting equality of men and women through a new divorce law, it notes with concern that the new law contains provisions that may disadvantage women. In addition, the Committee notes with concern that the Nationality Law does not grant equal citizenship status to children of Egyptian women married to non-nationals.

18. The Committee is disturbed about the apparent inability of the Government to address the acute problem of unemployment in Egypt as well as the uncertainty of workers' rights as guaranteed under article 8 of the Covenant. In particular, the Committee notes with concern that in spite of the State Security Court's conclusion that the Penal Code should be amended to allow the right to strike, article 124 of the Penal Code continues to characterize strikes as criminal offences. In this regard, the Committee further expresses its concern about the new proposed labour law that reportedly contains provisions infringing upon the rights of workers, such as barring labour committees from negotiating collectively on behalf of workers and denying workers the right to strike without the approval of two thirds of a trade union's membership.

19. The Committee is deeply concerned that law 153 of 1999 (Law on Civil Associations and Institutions, popularly called the "NGO Law") does not conform to article 8 of the Covenant and contradicts article 55 of the 1971 Egyptian Constitution affirming the right of citizens to form associations, and gives the Government control over the right of NGOs to manage their own activities, including seeking external funding.

20. The Committee notes with concern that the problem of domestic violence against women is not being sufficiently addressed and that marital rape is not criminalized.

21. The Committee is deeply concerned over reports that children under 12 years of age work more than six hours daily in the agricultural sector, which deprives them of their right to education. In addition, reports also claim that children between 8 and 15 years of age work in cotton gins in the Nile Delta under unfavourable conditions without lunch or rest breaks, and have no protection under Egyptian law particularly with regard to work-related injuries and diseases.

22. The Committee is concerned about the massive housing problems faced by the Egyptian population, as acknowledged by the delegation of Egypt, and which have been exacerbated by the deregulation of rents and an acute shortage of low-cost housing. Furthermore, forced evictions without alternative housing or compensation being provided have been occurring in poor communities like the potters' village and the "Ayn Hilwan" area in Cairo. The Committee is particularly concerned that in Cairo people who cannot afford housing are living in cemeteries. Unofficial statistics estimate their numbers to be 500,000 - 1 million.

23. The Committee regrets the insufficiency of information with regard to the situation of persons with mental illnesses and disabilities and the relevant legal regime, including safeguards against abuse and neglect.

24. The Committee notes with concern that despite the achievements of Egypt in the field of education, inequality of access to education between boys and girls, high drop-out rates for boys and high illiteracy rates among adults, particularly women, persist.

25. The Committee is gravely concerned over the official censorship imposed on the media, as well as literary and artistic works.

E. Suggestions and recommendations

26. The Committee urges the State party to firmly establish the legal status of the Covenant in Egyptian legal order, and to ensure that the provisions of the Covenant can be invoked before the courts.

27. The Committee strongly urges the State party, notwithstanding the declaration made upon ratification of the Covenant, to undertake a comprehensive review of its legislation as soon as possible, with a view to amending laws that contradict the provisions of its own Constitution and of the Covenant.

28. The Committee strongly recommends that Egypt's obligations under the Covenant should be taken into account in all aspects of its negotiations with international financial institutions, like the International Monetary Fund, World Bank and the World Trade Organization, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

29. The Committee strongly recommends that an up-to-date national plan of action for human rights in accordance with the 1993 Vienna Declaration and Programme of Action, be developed in Egypt, and requests the State party to include a copy of the plan in its second periodic report to the Committee.

30. The Committee urges the State party to establish a national human right institution which is in full conformity with Paris Principles of 1991.

31. The Committee strongly urges the State party to seek assistance, including international cooperation, in order to collect the statistics and information necessary to formulate effective strategies to address problem areas such as unemployment, poverty, housing and forced evictions.

32. The Committee strongly urges the State party to address the problem of FGM as a matter of high priority with a view to moving actively towards the total eradication of this practice in the country. The Government is encouraged to seek technical assistance from WHO in this regard.

33. The Committee recommends that the Government undertake to review the provisions of the new divorce law with a view to removing all provisions that discriminate against women and place them at a disadvantage. The Committee also recommends that the Nationality Law, which discriminates against children born to Egyptian women married to non-nationals, be revised.

34. The Committee calls upon the State party, in accordance with its obligations under article 8 of the Covenant and the Constitution of Egypt, which affirms the right of citizens to form their own organizations, to amend or repeal law 153.

35. The State party must enhance its strategies and programmes aimed at combating domestic violence. In this regard, the Committee urges the State party to criminalize marital rape and also to combat this problem through information campaigns and educational programmes.

36. The Committee urges the State party to take steps towards establishing stronger labour laws in order to protect children from abusive working conditions and to undertake immediate measures towards the eradication of illegal child labour.

37. The Committee urges the State party to combat the acute housing shortage by adopting a strategy and a plan of action and by building or providing, low-cost rental housing units, especially for the vulnerable and low income groups. In this connection, the Committee

reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions, to guide the Government's housing policies.

38. The Committee urges the State party to ensure that its laws, policies and practices in relation to HIV/AIDS are non-discriminatory and in full conformity with the International Guidelines adopted at the Second International Consultation on HIV/AIDS and Human Rights in 1996.

39. The Committee requests the State party to provide more information in its second periodic report about the mentally ill, including how many are hospitalized, the facilities available to them, and the legal safeguards for the protection against abuse and neglect of patients.

40. The Committee urges the State party to undertake measures to address the economic, social and cultural factors that are the root causes of the problem of inequality of access to education, high drop-out rates for boys and high illiteracy rates among adults, in particular women. The Committee requests particular attention to be devoted to these concerns in the next report.

41. The Committee calls upon the Government of Egypt to respect the freedom indispensable for creative activity, including in the media, as provided for under article 15 (3) of the Covenant.

42. The Committee requests the State party to provide updated information, including statistics, on unemployment, the situation of women, including FGM, poverty, housing and homeless persons in its second periodic report, which is to be submitted by 30 June 2003.

43. The Committee requests that the State party distribute these concluding observations as widely as possible among its citizens.

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